

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:16-cv-445-RJC
(3:05-cr-14-RJC-1)**

ANTONIO STOWE McDANIEL,

Petitioner,

vs.

UNITED STATES OF AMERICA,


Respondent.

ORDER

THIS MATTER is before the Court on Petitioner's Motion to Stay Consideration of Motion Under 28 U.S.C. § 2255, (Doc. No. 5), and Respondent's Motion to Hold Petitioner's Motion to Vacate in Abeyance, (Doc. No. 6). Both parties seek to stay the instant proceeding pending the Fourth Circuit Court of Appeals' resolution of United States v. Ali, Case No. 15-4433, and the resolution of Petitioner's pending § 2255 Motion to Vacate in case number 3:16-cv-371-GCM, which is also stayed. The parties agree that the issue Petitioner has raised in his motion to vacate have also been raised in Ali so that Ali may be dispositive of Petitioner's claim, and that the disposition of his claim in case number 3:16-cv-371, may also affect the instant proceedings.

IT IS HEREBY ORDERED that the Petitioner's Motion to Stay Consideration of Motion Under 28 U.S.C. § 2255, (Doc. No. 5), and Respondent's Motion to Hold Petitioner's Motion to Vacate in Abeyance, (Doc. No. 6), are **GRANTED**. The Government shall have 60 days after the Fourth Circuit issues the mandate in Ali or the Court resolves case number 3:16-cv-371-GCM, whichever occurs first, to file its Response.

Signed: April 17, 2018


Robert J. Conrad, Jr.
United States District Judge

